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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR       | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------------|---------------------|------------------|
| 10/798,280      | 03/12/2004  | Douglas William Farenholtz | PA-191              | 5181             |

7590 09/08/2004

Merek, Blackmon and Voorhees, LLC  
673 South Washington Street  
Alexandria, VA 22314

EXAMINER

NGUYEN, KIEN T

ART UNIT PAPER NUMBER

3712

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
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TECHNOLOGY CENTER R3700

**Office Action Summary**

Application No.

10/798,280

Applicant(s)

FARENHOLTZ ET AL

Examiner

Kien T. Nguyen

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-33 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/7/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 12, 13, 15-19, 23-27, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Guschlbauer U.S. Patent 5,967,470.

Guschlbauer disclosed a support for a manikin comprising first (14) and second (13) extension members when normally positioned cooperating to form a cradling surface to support a manikin (see Fig. 3); a base member connector (2) for connecting the extension members to a base member (1); the first extension member biased in an inward direction toward the second extension member to return to its normal position and moveable from its normal position in an outward direction away from the second extension member upon application of a pre-determined force on the first extension member; the second extension member being elongated and comprising an outer surface of continuously smooth contour to minimize the possibility that the movement of the manikin will be interfered with through contact with the second extension member when the manikin is move with respect to the cradling surface (see column 6, lines 60-64); because of the elasticity of the members (13, 14) the manikin is supported by the cradling surface it inherently may be moved in an outward direction on movement of the first extension member in the outward direction on application of the pre-determined force (applicant's claims 1, 12, 15-18, 24, 31-33). The extension members are curved

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upwardly and outwardly away from one another to form the cradling surface (applicant's claims 2, 15, 25). The second member (13) as shown in Fig. 6 comprises a pair of opposed sides in parallel alignment with one another (applicant's claim 3). The members are in co-planar alignment and have tubular in cross-section (applicant's claims 4-7). The support also includes a releasable manikin connector comprising a first connector member (16) cooperating with the cradling surface and a corresponding second connector (15) cooperating with the manikin to releasably connect the manikin to the cradling surface, the first and second connector members inherently releasable from one another to separate the manikin from the cradling surface on application of a pre-determined force (applicant's claims 19, 23). Fig. 5 shows a reinforcement member (54) for preventing the movement of the first extension member beyond a pre-determined position in the outward direction (see column 7, lines 38-61) (applicant's claim 27). The first and second connector members could also be characterized as attachment members for attaching the manikin to the first and second extension members (applicant's claims 29, 30).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 8-11, 20-22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guschlbauer.

Regarding claims 8-11, it is noted that the first and second connector members of Guschlbauer may not include the specific shapes and dimensions as set forth therein. However, such features directly dictated by the size, shape, and weight of the manikin. Accordingly, it would have been obvious to one of ordinary skill in the art to modify the first and second connector members with any desired shape and dimension to accommodate any particular manikin.

Regarding claims 20-22, the first and second connector members of Guschlbauer utilize belts (15, 16) instead of various types of fastening means as set forth in these claims. However, such differences appear merely mechanical expediciencies and it would have been a matter of design choice to substitute the belts (15, 16) with any equivalent fastening means.

Regarding claim 28, see the above explanation for claim 27.

#### ***Allowable Subject Matter***

Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

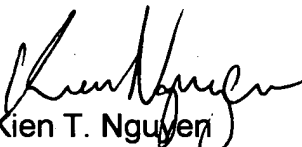
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The enclosed references show various types of stand similar to the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kien T. Nguyen  
Primary Examiner  
Art Unit 3712

Ktn



|  |  |  |                       |
|--|--|--|-----------------------|
| Form PTO-1449<br>(Rev. 7-80)   | U.S. Department of Commerce<br>Patent & Trademark Office | ATTY. DOCKET NO.: PA-191C                    | SERIAL NO. 10/798,280 |
|  |  | APPLICANT: DOUGLAS WILLIAM FARENHOLTZ ET AL. |                       |
|  |  | FILING DATE: March 12, 2004                  | GROUP ART UNIT: 3632  |
| LIST OF REFERENCES CITED BY APPLICANT<br>(Use several sheets if necessary) |  |  |                       |

**U.S. PATENT DOCUMENTS**

| Examiner Initial |    | Document Number | Date     | Name             | Class             | Subclass | Filing Date |
|------------------|----|-----------------|----------|------------------|-------------------|----------|-------------|
| <i>KW</i>        | AA | 5,549,499       | 8/27/96  | Foskey et al.    | <u>          </u> |          |             |
| <i> </i>         | AB | 5,967,470       | 10/19/99 | Guschlbauer      | <u>          </u> |          |             |
| <i> </i>         | AC | 6,005,176       | 12/21/99 | Yu               | <u>          </u> |          |             |
| <i> </i>         | AD | 6,220,459       | 4/24/01  | Runyon           | <u>          </u> |          |             |
| <i>KW</i>        | AE | 6,719,566       | 4/13/04  | Farenholtz et al | <u>          </u> |          |             |
|                  | AF |                 |          |                  |                   |          |             |
|                  | AG |                 |          |                  |                   |          |             |

**FOREIGN PATENT DOCUMENTS**

|  |    | Document Number | Date | Country | Class | Subclass | Translation |    |
|--|----|-----------------|------|---------|-------|----------|-------------|----|
|  |    |                 |      |         |       |          | Yes         | No |
|  | AH |                 |      |         |       |          |             |    |
|  | AJ |                 |      |         |       |          |             |    |

**OTHER REFERENCES** (Including Author, Title, Date, Pertinent Pages, etc.)

|  |    |  |
|--|----|--|
|  | AK |  |
|  | AL |  |

|   |                                 |
|---|---------------------------------|
| Examiner: <i>Kun Hyeon</i>  | Date considered: <i>8/23/02</i> |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                                 |

|                                   |                                       |   |             |
|-----------------------------------|---------------------------------------|---|-------------|
| <b>Notice of References Cited</b> | Application/Control No.<br>10/798,280 | Applicant(s)/Patent Under<br>Reexamination<br>FARENHOLTZ ET AL. |             |
|                                   | Examiner<br>Kien T. Nguyen            | Art Unit<br>3712  | Page 1 of 1 |

**U.S. PATENT DOCUMENTS**

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Name                   | Classification |
|---|---|--|-----------------|------------------------|----------------|
|   | A | US-6,257,532                                     | 07-2001         | Ives, Betty Jean       | 248/158        |
|   | B | US-6,419,511                                     | 07-2002         | Lizell, Christopher A. | 439/210        |
|   | C | US-  |                 |                        |                |
|   | D | US-  |                 |                        |                |
|   | E | US-  |                 |                        |                |
|   | F | US-  |                 |                        |                |
|   | G | US-  |                 |                        |                |
|   | H | US-  |                 |                        |                |
|   | I | US-  |                 |                        |                |
|   | J | US-  |                 |                        |                |
|   | K | US-  |                 |                        |                |
|   | L | US-  |                 |                        |                |
|   | M | US-  |                 |                        |                |

**FOREIGN PATENT DOCUMENTS**

| * |   | Document Number<br>Country Code-Number-Kind Code | Date<br>MM-YYYY | Country | Name | Classification |
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|   | N |  |                 |         |      |                |
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|   | R |  |                 |         |      |                |
|   | S |  |                 |         |      |                |
|   | T |  |                 |         |      |                |

**NON-PATENT DOCUMENTS**

| * |   | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
|   | U |   |
|   | V |   |
|   | W |   |
|   | X |   |

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



## USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES

In support of its 21<sup>st</sup> Century Strategic Plan goal of increased patent e-Government, beginning in June 2004, the United States Patent and Trademark Office (Office or USPTO) will begin the phase-in of its E-Patent Reference program and hence will: (1) **provide downloading capability of the U.S. patents and U.S. patent application publications cited in Office actions** via the E-Patent Reference feature of the Office's Patent Application Information Retrieval (PAIR) system; and (2) **cease mailing paper copies of U.S. patents and U.S. patent application publications with Office actions** (in applications and during reexamination proceedings) except for citations made during the international stage of an international application under the Patent Cooperation Treaty (PCT). In order to use the new E-Patent Reference feature applicants must: (1) obtain a digital certificate and software from the Office; (2) obtain a customer number from the Office; and (3) properly associate patent applications with the customer number. Alternatively, copies of all U.S. patents and patent application publications can be accessed without a digital certificate from the USPTO web site, from the USPTO Office of Public Records, and from commercial sources. The Office will continue the practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of cited references will continue to be provided by the USPTO for international applications during the international stage.

### Schedule

|             |                               |
|-------------|-------------------------------|
| June 2004   | TCs 1600, 1700, 2800 and 2900 |
| July 2004   | TCs 3600 and 3700             |
| August 2004 | TCs 2100 and 2600             |

All U.S. patents and U.S. patent application publications are available on the USPTO web site. However, a simple system for downloading the cited U.S. patents and patent application publications has been established for applicants, called the E-Patent Reference system. As E-Patent Reference and Private PAIR require participating applicants to have a customer number, retrieval software and a digital certificate, all applicants are strongly encouraged to contact the Patent Electronic Business Center to acquire these items. To be ready to use this system by June 1, 2004, contact the Patent EBC as soon as possible by phone at 866-217-9197 (toll-free), 703-305-3028 or 703-308-6845 or electronically via the Internet at [ebc@uspto.gov](mailto:ebc@uspto.gov).

### **Other Options**

The E-Patent Reference function requires the applicant to use the secure Private PAIR system, which establishes confidential communications with the applicant. Applicants using this facility must receive a digital certificate, as described above. Other options for obtaining patents which do not require the digital certificate include the USPTO's free Patents on the Web program (<http://www.uspto.gov/patft/index.html>). The USPTO's Office of Public Records also supplies copies of patents for a fee (<http://ebiz1.uspto.gov/oems25p/index.html>). Commercial sources also provide U.S. patents and patent application publications.

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REFERENCES

## Summary

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site ([www.USPTO.gov](http://www.USPTO.gov)) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

## Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

## **Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter**

Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at: <http://www.uspto.gov/ebc/downloads.html>. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at: <http://www.uspto.gov/web/forms/sb0125.pdf>. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at: [http://www.uspto.gov/ebc/registration\\_pair.html](http://www.uspto.gov/ebc/registration_pair.html).

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

### Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at [eReference@uspto.gov](mailto:eReference@uspto.gov) or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at [EBC@uspto.gov](mailto:EBC@uspto.gov).

### Implementation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

### For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at <http://www.uspto.gov/web/patents/ifw/index.html>. Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at [EBC@uspto.gov](mailto:EBC@uspto.gov).

Date: 12/1/03

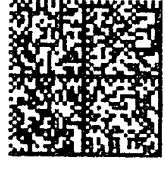


Nicholas P. Godici  
Commissioner for Patents

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